

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

PETRUS HAWKINS,

Petitioner,

v.

CIVIL ACTION NO. 5:15-cv-13674

S. MILLION¹,
Warden, FCI Loretto,

Respondent.

MEMORANDUM OPINION AND ORDER

On October 2, 2015, the Petitioner, acting *pro se*, filed his Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Document 1). On November 12, 2015, the Respondent filed his *Response to Order to Show Cause* (Document 13) wherein he seeks dismissal of the Petitioner's Petition.

By *Standing Order* (Document 6) entered on October 6, 2015, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On February 17, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 18) wherein it is recommended that the Petitioner's Petition for a Writ of Habeas

¹Joe Coakley was originally named as the Respondent in this matter. However, subsequent to the Petition being filed, the Petitioner was transferred from FCI Beckley, in Beaver, West Virginia, to FCI Loretto, in Loretto, Pennsylvania. Pursuant to Fed. R. Civ. P. 25(d), the warden of the facility in which the Petitioner is in custody, being S. Million, has been substituted as the Respondent in this action.


Corpus Pursuant to 28 U.S.C. § 2241 (Document 1) be denied, the Respondent's request for dismissal (Document 13) be granted, and this action be dismissed with prejudice and removed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 6, 2017, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Document 1) be **DENIED**, the Respondent's request for dismissal (Document 13) be **GRANTED**, and this action be **DISMISSED WITH PREJUDICE** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: March 10, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA